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Tracy Hope Davis

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

| | | |
|-----------------------|---|---------------------------------|
| In re: |) | Case No. 22-50556-hlb |
| |) | |
| DEBRA YOUREN, |) | |
| |) | |
| |) | |
| Debtor(s), |) | |
| |) | |
| UNITED STATES TRUSTEE |) | Adversary Case No. 23-05021-hlb |
| TRACY HOPE DAVIS, |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | |
| |) | |
| DEBRA YOUREN, |) | |
| |) | |
| |) | |
| Defendant(s). |) | |
| |) | |

**WRITTEN WAIVER OF DEBTOR-DEFENDANT'S DISCHARGE
UNDER 11 U.S.C. § 727(a)(10) AND NOTICE OF DISMISSAL
OF COMPLAINT OBJECTING TO DISCHARGE UNDER
FEDERAL RULE OF BANKRUPTCY PROCEDURE 7041,
INCORPORATING FEDERAL RULE OF CIVIL PROCEDURE 41
[11 U.S.C. §§ 727(a)(2), (3), (4) & (5)]**

1 Plaintiff, Tracy Hope Davis, the United States Trustee for Region 17 (“Plaintiff” and
2 “United States Trustee”), by and through her undersigned counsel, and Debtor-Defendant
3 Debra Youren (“Debtor-Defendant”), by and through her undersigned counsel (collectively, the
4 “Parties”), hereby file this Written Waiver of Debtor-Defendant’s Discharge Under 11 U.S.C. §
5 727(a)(10) and Notice of Dismissal of Complaint Objecting to Discharge Under Fed. R. Bankr.
6 P. 7041, incorporating Fed. R. Civ. P. 41 (“Notice of Dismissal”).

7
8 1. Debtor-Defendant filed the above-captioned voluntary chapter 7 petition on
9 October 19, 2022. *See* Lead Case No. 22-50556, ECF No. 1. Debtor-Defendant subsequently
10 filed an amended chapter 7 petition on December 15, 2022. *Id.* at ECF No. 18.

11 2. The 11 U.S.C. § 341(a) meeting of creditors was conducted and concluded on
12 December 1, 2022. *Id.* at ECF Docket *generally*.

13
14 3. The extended deadline for the United States Trustee to file an adversary
15 complaint objecting to Debtor-Defendant’s discharge expired on October 31, 2023. *Id.* at ECF
16 Nos. 24 *and* 33.

17 4. On October 30, 2023, Plaintiff timely commenced the above-captioned
18 adversary proceeding by filing a complaint objecting to Debtor-Defendant’s discharge under 11
19 U.S.C. §§ 727(a)(2), (3), (4) & (5) (the “Adversary Complaint”). *See* Adversary Case, ECF
20 No. 1.

21
22 5. Debtor-Defendant does not wish to defend the Adversary Complaint filed by the
23 United States Trustee and hereby files this written waiver of chapter 7 discharge under 11
24 U.S.C. § 727(a)(10).

1 6. Debtor-Defendant understands that this written waiver of discharge applies to all
2 debts associated with the above-captioned chapter 7 case as explained to Debtor-Defendant by
3 her undersigned counsel.

4 7. The Parties have uploaded a proposed order approving Debtor-Defendant's
5 written waiver of discharge herewith.

6 8. This Notice of Dismissal is based upon the provisions of Fed. R. Bankr. P. 7041,
7 incorporating Fed. R. Civ. P. 41.

8 9. Under Fed. R. Bankr. P. 7041, incorporating Fed. R. Civ. P. 41(a), a plaintiff
9 may dismiss an action without a court order by filing a notice of dismissal before the opposing
10 party serves either an answer or motion for summary judgment. *See* Fed. R. Civ. P.
11 41(a)(1)(A)(i).

12 10. To date, Debtor-Defendant has not filed a timely answer or other response to
13 Plaintiff's complaint. *See* ECF Docket *generally*.

14 11. A notice of dismissal is without prejudice unless the notice specifies otherwise.
15 *See* Fed. R. Civ. P. 7041(a)(1)(B).

16 12. Fed. R. Bankr. P. 7041 provides that a complaint objecting to a debtor's
17 discharge shall not be dismissed at a plaintiff's instance without notice to the trustee, the United
18 States Trustee (*i.e.*, Plaintiff in the above-captioned action), and such other persons as the court
19 may direct, and only on an order of the court containing terms and conditions deemed proper
20 by the court.

21 13. As reflected on the Certificate of Service filed herewith, Plaintiff has served a
22 copy of this Notice of Dismissal upon the duly appointed chapter 7 trustee, Christina W.
23 Lovato. Plaintiff does not believe that additional service of this Notice of Dismissal is required
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1 under Fed. R. Bankr. P. 7041, because Debtor-Defendant is waiving her discharge under 11
2 U.S.C. § 727(a)(10). Therefore, the United States Trustee's Adversary Complaint may be
3 dismissed upon an order of the Court containing terms and conditions deemed proper by the
4 Court. *See* Fed. R. Bankr. P. 7041 *and* Fed R. Civ. P. 41(a)(1)(A)(i).

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6 14. The Parties have uploaded a proposed order dismissing the United States
7 Trustee's Adversary Complaint and vacating the February 14, 2024, scheduling conference
8 herewith.

9
10
11 Dated: January 17, 2024

12 DEBRA YOUREN
13 DEBTOR-DEFENDANT

14 /s/ Debra Youren
15 By: Debra Youren
16 Chapter 7 Debtor-Defendant

Dated: January 17, 2024

UNITED STATES TRUSTEE
TRACY HOPE DAVIS

14 /s/ Jared A. Day
15 By: Jared A. Day
16 Trial Attorney for the U.S. Trustee

17 Dated: January 17, 2024

18 DEBRA YOUREN
19 DEBTOR-DEFENDANT

20 /s/ Debra M. Amens
21 By: Debra M. Amens
22 Attorney for Chapter 7 Debtor-Defendant
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CERTIFICATE OF SERVICE

I, ANA BETANCOURT, under penalty of perjury declare: That declarant is, and was when the herein described service took place, a citizen of the United States, over 18 years of age, and not a party to nor interested in, the within action; that on January 17, 2024, I caused a copy of the forgoing:

WRITTEN WAIVER OF DEBTOR-DEFENDANT'S DISCHARGE UNDER 11 U.S.C. § 727(a)(10) AND NOTICE OF DISMISSAL OF COMPLAINT OBJECTING TO DISCHARGE UNDER FEDERAL RULE OF BANKRUPTCY PROCEDURE 7041, INCORPORATING FEDERAL RULE OF CIVIL PROCEDURE 41 [11 U.S.C. §§ 727(a)(2), (3), (4) & (5)]

to be served on the following parties:

a. Electronic Mail (list of persons & addresses):

- **DEBRA M. AMENS** dmamens@gmail.com, 8660@notices.nextchapterbk.com
- **SALLIE B ARMSTRONG** sarmstrong@mcdonaldcarano.com, mhale@mcdonaldcarano.com
- **CHRISTINA W. LOVATO** trustee lovato@att.net, NV26@ecfcbis.com
- **STEFANIE T. SHARP** ssharp@rssblaw.com, llucero@rssblaw.com
- **U.S. TRUSTEE - RN - 7** USTPRegion17.RE.ECF@usdoj.gov

I declare under penalty of perjury that the foregoing is true and correct.

DATED: January 17, 2024

/s/ Ana Betancourt
Ana Betancourt